

Amendment Under Rule 111
US Appl. No. 10/529,499
Atty. Dkt. No. 32860-000854/US

REMARKS

Claims 1-9 and 11-20 are all of the pending claims, with claims 1 and 14 being written in independent form. By virtue of this Amendment, Applicants cancel claim 10 without prejudice or disclaimer.

I. Claim Rejections Under 35 USC §112(2nd):

The Examiner rejects claims 5 and 8 for the reasons noted at paragraph 4 of the Office Action. Applicants respond as follows.

Applicants amend claim 5 to depend from claim 4 (as opposed to claim 1) to provide proper antecedent basis for the term "retaining web." Although not objected to by the Examiner, Applicants implement a similar change with respect to claim 18.

Applicants also amend claim 8 to recite that the bearing element forms a number of accommodating areas, "which corresponds to the number of switching poles of the low-voltage power circuit breaker." That is, the number of accommodating areas may be the same as the number of switching poles of the low-voltage power circuit breaker.¹

Applicants respectfully submit that the amended claims more particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming the raised rejections under 35 USC §112(2nd).

II. Allowable Subject Matter:

At paragraph 7 of the Office Action, the Examiner indicates that claim 9 would be allowed if it were rewritten in independent form. Applicants do not rewrite claim 9 (as suggested by the Examiner) because claim 1 is believed to be patentable for the reasons discussed in detail below.

¹ Spec, [0030].

Amendment Under Rule 111
US Appl. No. 10/529,499
Atty. Dkt. No. 32860-000854/US

III. Claim Rejection on Prior Art Grounds:

The Examiner rejects claims 1-8 and 10-20 under 35 USC §102(b) as being anticipated by US 6,248,971 to Morel et al. ("Morel"). Applicants respectfully traverse this rejection in view of the following remarks.

A. Independent Claim 1:

Independent claim 1 recites (among other things) "an arc-quenching chamber of the low-voltage power circuit breaker," and that the bearing element is fixable "on a withdrawable part rack accommodating the low-voltage power circuit breaker." An example non-limiting embodiment of these features is depicted in Fig. 1. As shown, the arc-quenching chamber 2 is a component part of the power circuit breaker 1, while the bearing element 16 (of the switching gas damper 12) is fixed on a withdrawable part rack 10. As clearly shown, the withdrawable part rack is a separate and distinct element from the power circuit breaker 1. That is, the withdrawable part rack 10 (supporting the bearing element 16) is provided in addition to the power circuit breaker 1 (inclusive of the arc-quenching chamber 2). At least these features (as recited in claim 1), in combination with the other features recited in claim 1, are not taught or suggested by the prior art.

The Examiner relies upon Morel to teach each and every feature of claim 1. In so doing, the Examiner cites Fig. 3 of the reference and compares the external wall 56 to the claimed "bearing element." This rejection position is not convincing for the following reasons.

Morel teaches nothing more than dampers integrated into the individual arc-quenching chambers of a circuit breaker. Indeed, as shown in Fig. 1 of the reference, the circuit breaker 10 includes an intermediate frame 14 interposed between a rear base 12 and a front panel 16. Turning to Fig. 4, the arc-quenching chamber 26 is mounted on the intermediate frame 14. And turning to Fig. 3, the arc-quenching chamber 26 itself includes (and supports) the external wall

Amendment Under Rule 111
US Appl. No. 10/529,499
Atty. Dkt. No. 32860-000854/US

56 that houses intermediate filters 58, and a top plate is mounted on the external wall 56 to cover the intermediate filters 58.²

In short, the external wall 56 (as well as the component parts above the external wall 56) are constituent elements of (and mounted on) the exact structure supporting the working parts of the circuit breaker 10. In this regard, Morel teaches nothing more than an arc-quenching chamber 26, all of the elements of which being mounted on the circuit breaker 10 itself. This has nothing whatsoever to do with mounting a bearing element (of a switching gas damper) on a withdrawable part rack, which is separate and distinct from the power circuit breaker, as claimed.

B. Independent Claim 14:

Independent claim 14 is somewhat similar to claim 1 to the extent that claim 14 also recites (among other things) "an arc-quenching chamber of the low-voltage power circuit breaker," and that the bearing element (of the switching gas damper) is fixable "on a withdrawable part rack." Accordingly, Applicants respectfully submit that claim 14 is patentable for reasons analogous to those noted above with respect to claim 1.

As demonstrated above, each of independent claims 1 and 14 recites features that are practically and conceptually different than Morel. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the raised anticipation rejection.

² Morel, col. 5, lines 17+.

Amendment Under Rule 111
US Appl. No. 10/529,499
Atty. Dkt. No. 32860-000854/US

CONCLUSION

Applicants earnestly request reconsideration and allowance of all of the pending claims.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,
HARNES, DICKY & PIERCE, P.L.C.

By Ray Heflin
Ray Heflin, Reg. No. 41,060
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

DJD/HRH/cm